



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,216	02/07/2001	You Mon Tsang	005275.P001	6639

7590

03/07/2003

James H. Salter
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,216

Applicant(s)

TSANG ET AL.

Examiner

Michael Heck

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3623

DETAILED ACTION

1. The following is a First Office Action in response to the application filed February 07, 2001. Claims 1-21 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. Figure 1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes the following reference sign not mentioned in the description: reference number 125. A proposed drawing correction, corrected drawing, or amendment to the specification to add the reference sign in the description, is required in reply to the Office action to avoid abandonment of the application.

3. Figure 3 is objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "355" has been used to designate both the "Data Analysis Module" and "Performance Metrics Device". A proposed drawing correction or corrected drawing is required in reply to the Office action to avoid abandonment of the application.

4. The objections stated above to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

a. Page 13, line 14 states "The remote user interface 120". It should be --The remote user interface 310--.

b. Page 18, line 17 states "clicking on the "OK" and/or "SUBMIT" button(s)". The "OK" and "SUBMIT" button(s) were not displayed on figure 5 or 6. "UPDATE" and "GO" were the only button(s) indicated on figure 5 and 6, respectively. It is respectfully submitted that the examples recite the same nomenclature as the disclosure for ease of following along with the example.

c. Page 20, lines 8-9 states "may allow the MMAS employ its own tailoring". It should be --may allow the MMAS to employ its own tailoring--.

d. Page 21, lines 20-22 states "One example is where the Market Metrics and Analysis System could display (upon privileged and secure access) uses its own web site to display all search results pertaining to each respective customer". It is respectfully recommended that for the sentence to not be confusing that it read --One example is where the Market Metrics and Analysis System could display

Art Unit: 3623

(upon privileged and secure access) all search results pertaining to each respective customer--.

e. Page 22, line 12 states "This particular web site is shown to include these eleven sections". It should be -- This particular web site is shown to include these twelve sections--.

6. The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims **1-3, 5-6, 8-10, 12-13, 15-17, and 19-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al.

(Baker et al, Mine over Matter, Journal of Business Strategy, Vol. 19, No. 9, Jul/Aug 1998, Pages 22-26 [DIALOG: file 15]). Baker et al. disclose data mining for businesses to find new

Art Unit: 3623

information and use statistical methods to uncover useful patterns comprising:

-[Claim 1] aggregating data gathered from networked sources, wherein said networked sources includes at least one user at a computer networked interface; cleaning said aggregated data; storing said cleaned data; generating a data analysis from said stored data, wherein said data analysis is based on data gathered from the user; and generating a reporting analysis, wherein the reporting analysis is based on data gathered from the user and the results from said data analysis (Para 10-12 and 37, Baker et al. teaches data mining identifies and extracts information from the internet, cleanses the information, organizes the information in a relational database referred to as a data warehouse, analyzes the information, and turns the results into a report).

-[Claim 2] applies performance metrics according to the data gathered from user (Para 19-20, Baker et al. teaches analyzing historical performance in stores and identifying data densities that indicate process variations within manufacturing and assembly operations).

-[Claim 3] is stored in consecutive order starting with the first reporting analysis conducted (Para 13-15, Baker et al. teaches data mining helps turn warehoused data into predictive information, such as detecting deviations in key data from previous or expected values allowing users to use deviations to predict changes in future trends, outputs, or behaviors. Inherently, to perform a deviation analysis to predict future trends the data needs to be in consecutive order.).

-[Claim 5] focuses on particular industries and may be any of: marketing, support, finance, research and development, sales or executive (Para 16 and 21, Baker et al. teaches data mining helps break the market into segments for the banking, credit card, and insurance industry and helps identify changes in the market for the telecommunications industry).

-[Claim 6] focuses on particular departments within the particular industries and may be any of: high-technology,

Art Unit: 3623

electronics, automotive, financial services or entertainment (Para 17-18 and 21, Baker et al. teaches data mining helps find patterns of product usage and consumer behavior which helps improve the management of bank branches, automated teller machines, and service outlets and helps retail stores understand profit patterns. The marketing department in the telecommunications industry can better focus on customers who demonstrate an acceptance of service and longer usage.).

9. Claims **8-10** and **12-13** recite a system performing the method of claims 1-3 and 5-6, respectively, for providing personalized access on an automated networked system. It is respectfully submitted that Baker et al. teaches a computer connected to a network to perform data mining in the manner discussed above in Claims 1-3 and 5-6.

10. Claims **15-17** and **19-20** recite an apparatus embodied on a computer readable media, which when executed by a processing device causes the processing device to perform the method of claims 1-3 and 5-6, respectively. Again, Baker et al. teaches implementing the method of claims 1-3 and 5-6 with a computer connected to a network as discussed above.

11. Therefore, it is respectfully submitted that the system and apparatus embodied on a computer readable media are inherently incorporated in the invention disclosed in Baker et al. Hence, the same rejection as stated above for claims 1-3 and 5-6 applies to system claims 8-10 and 11-12, respectively, and apparatus claims 15-17 and 19-20, respectively.

Art Unit: 3623

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims **4, 7, 11, 14, 18** and **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker et al, Mine over Matter, Journal of Business Strategy, Vol. 19, No. 9, Jul/Aug 1998, Pages 22-26 [DIALOG: file 15]) in view of Feldman (Feldman, S., The Answer Machine. (information services management)(Industry Trend or Event), Searcher: The Magazine for Database Professionals, Vol. 8, No. 1, January 2000, Page 58 [DIALOG: file 16]).

14. As to Claims **4** and **7**, Baker et al. discloses data mining for businesses to find new information and use statistical methods to uncover useful patterns. Baker et al. fails to teach updating the data analysis subsequent to any additional reporting analysis conducted after the first reporting analysis

Art Unit: 3623

is completed and including publication listings and/or the timeline in which these publications have been published.

15. Feldman teaches setting up a filter, profile or "standing query" which runs against any new additions to the database to support a search type of continuous monitoring of a subject (Para 5 and 67), and stores a document where each unit of meaning may carry a time stamp related to the content (Para 33). Feldman teaches that it is old and well known in the database search art to have the capability to update information on an established database and include a timestamp to maintain chronological history of information provided. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Baker et al. with the teachings of Feldman to include the capability to update information on an established database and include a timestamp to maintain chronological history of information provided.

16. Baker et al. discloses data mining as a tool to reinvent Marketing strategies by collecting the information that counts (Para 1). Companies realize that to succeed in a fast-paced world, they need information on demand (Para 27). Feldman discloses that when search is done for information, companies need answers, not documents (Para 1). Companies are willing to invest in high-end, carefully crafted systems because business

Art Unit: 3623

cycles are growing shorter and information needs to be preserved and available for the entire company to use (Para 4). To reduce time in collecting information and to supply information that is accurate and timely, incorporating Feldman's database update capability and time stamp with Baker et al.'s data mining techniques would allow management to quickly see the right information updated and accurate with reference to it's chronological history. Timely decisions that affect the company's competitiveness in the rapidly changing marketplace could then be made.

17. Claim 8 with dependent claims **11** and **14** recites a system for performing the method of providing personalized access on an automated networked system of claim 1, where claims 4 and 7 are dependent. It is respectfully submitted that Baker et al. teaches a computer connected to a network to perform data mining in the manner discussed above in dependent claims 4 and 7 of claim 1.

18. Claim 15 with dependent claims **18** and **21** recites an apparatus embodied on a computer readable media, which when executed by a processing device causes the processing device to perform the method of claim 1, where claims 4 and 7 are dependent. Again, Baker et al. teaches implementing the method

Art Unit: 3623

of dependent claims 4 and 7 of claim 1 with a computer connected to a network as discussed above.

19. Therefore, it is respectfully submitted that the system and apparatus embodied on a computer readable media are inherently incorporated in the invention disclosed in Baker et al. Hence, the same rejection as stated above for claims 4 and 7 applies to system claims 11 and 14, respectively, and apparatus claims 18 and 21, respectively.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Papierniak et al. (U.S. Pat. 6,128,624) discloses a collection and integration of Internet data in a database during web browsing. The data is collected, translated, and stored allowing enhanced analysis techniques to be performed as part of the user's decision support system. Key business metrics are monitored as part of the Business Operations Management effort.
- Ostroff et al. (U.S. Pat. Appl. 2002/0013782) discloses a program for Internet information retrieval, analysis,

Art Unit: 3623

and presentation to include daily intelligence reports that would provide trend analysis.

- Roller et al. (U.S. Pat. Appl. 2002/0035562) discloses an integrated system that collects information from multiple data sources, stores the data and allows the data to be analyzed. The system generates reports where the user can identify critical trends in the performance of their business.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks, Washington D.C. 20231

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular and After Final communications.

The fax phone number for Informal/Draft communication, labeled "PROPOSED" or "DRAFT" is (703) 746-9419.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch

February 26, 2003



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800